

**REMARKS**

Applicants acknowledged the indication of the allowability of the subject matter of Claim 24, as set forth at page 4 of the Office Action. In addition, Applicants note that Claim 27 has been rejected only under 35 U.S.C. §112, first paragraph, and accordingly, assuming that the latter ground of rejection is satisfactorily resolved, Claim 27 should be allowable as well, for the same reasons. By the foregoing amendment, Applicants have rewritten both Claims 24 and 26 in independent form. Accordingly, those claims are now believed to be allowable.

Claims 25-27 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which is not disclosed in the specification in such a manner as to convey to a person skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. In particular, the Office Action indicates that there is no description in the original specification of forming the catalyst by heat treatment at a temperature of at least 600°C. or at a temperature of approximately 700°C., or for forming the composite oxide by heat treatment of the catalyst. In response to these grounds of rejection, Applicants note that Claims 25-27 are supported by the specification at page 22, as well as at pages 14 and 15. In particular, the disclosure at pages 14 and 15 contains an extensive discussion of the various composite oxides which

can be formed, while the disclosure at page 15, lines 14-16 states that, "To get said composite oxides, heat treatment at 600°C. or more is preferred. The preferred baking temperature is 700°C." Accordingly, Applicants respectfully submit that Claims 25 through 27 are supported by the disclosure, and reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 1, 3, 4, 19-21 and 23-27 have been rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the invention, based on certain formal issues identified by the Examiner. In response to these grounds of rejection, Applicants have amended the claims in a manner which addresses and is believed to resolve each of the cited formal issues. In particular, the amendments suggested by the Examiner in the first paragraph on page 2 of the Office Action have been adopted. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1, 3-5, 19-23, 25, 26, 28 and 29 have been rejected under 35 U.S.C. §102(b) as anticipated by, or alternatively under 35 U.S.C. §103(a) as obvious over, International patent document WO 97/47864. In response to this ground of rejection, Applicants note that Claims 1, 5 and 22 recite that the ratio of components relative to 100 parts by weight of the porous carrier is between 0.25

and 3.0 parts by weight for Pd, Ir and Ru (the latter limitation having been previously included in Claim 22).

This feature of the invention is neither taught nor suggested by WO 97/47864. That is, while that reference discloses the carrying (burdening) of Pd, Pt and Rd, it does so for a purpose which differs from that of the present invention, and accordingly, does not utilize the elements Pd, Ir and Ru in the proportions specified in independent Claims 1, 5 and 22. In particular, the carrying amounts (the burdening amounts) of Pt and Rd are disclosed, but the carrying amount (the burdening amount) of Pd is not discussed.

On the other hand, the present invention provides a high range of CO adsorption, as shown in Table 4. Thus, the WO '864 reference contains no teaching which would suggest to a person skilled in the art the invention as recited in the claims of the present application.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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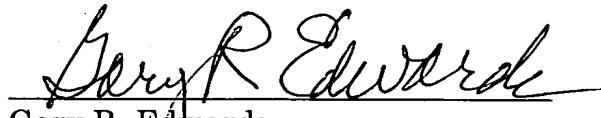
Amendment Dated: May 10, 2004

Reply to Office Action of March 9, 2004

Attorney Docket No. 381NP/48511

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381NP/48511).

Respectfully submitted,



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